

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**JOSEPH C. WHITE, Individually and on
behalf of all others similarly situated, et al.,**

Plaintiffs,

v.

LORD ABBETT & CO LLC, et al.,

Defendants.

04-CV-559 (WJM)

ORDER

THIS MATTER comes before the Court on Defendants' motion to dismiss; and the United States Supreme Court having recently granted a writ of certiorari in the matter of *Jones v. Harris Associates L.P.*, 527 F.3d 627 (7th Cir. 2008), *cert. granted* 129 S.Ct. 1579 (Mar. 9, 2009); and the issue presented by *Jones* being the resolution of a Circuit split regarding the standard to be employed in evaluating a claim brought under Section 36(b) of the Investment Company Act of 1940; and the instant Second Amended Derivative Complaint presenting a Section 36(b) claim; and the Court recognizing that it may, in the exercise of its discretion, "hold one lawsuit in abeyance to abide the outcome of another which may substantially affect it..." *McDonald v. Novartis Pharm., Corp.*, Civ. No. 07-655, 2007 WL 4191750, at *1 (Nov. 20, 2007) (quoting *Bechtel Corp. v. Local 215, Laborers' Int'l Union of N. Am.*, 544 F.2d 1207, 1215 (3d Cir. 1976)); and the Court determining that the Supreme Court's decision in *Jones* may substantially affect the

instant motion to dismiss; and for good cause appearing;

IT IS on this 8th day of May 2009, hereby

ORDERED that Defendant's motion to dismiss is **STAYED** pending the decision of the United States Supreme Court in *Jones v. Harris Associates L.P.*

/s/ William J. Martini

WILLIAM J. MARTINI, U.S.D.J.